

Serial No. 10/049,767

Art Unit: 1762

Remarks

Claims 1-10 are currently pending in the above-captioned matter. No amendments have been made to the application in this Reply.

Priority

International Filing Date: Applicants agree with the Examiner that the correct International Filing Date is August 16, 2000.

Certified Copy of Priority Document: A certified copy of the priority document, Japanese Application No. 11-230060 was filed with the United States Patent and Trademark Office, Box PCT, on October 6, 2000 via U.S. Express Mail. Please see attached Exhibit 1 comprising the certificate of express mail, transmittal letter and copy of the first page of the certified copy of Japanese Application No. 11-230060. Applicants submit that they have fully satisfied the requirements of 35 U.S.C. §119(b) and that priority should be granted.

35 USC §102 and §103 Rejections

Claims 1-10 were rejected under 35 USC §103(a) as unpatentable over WO 00/05066 in view of Knaster et al. The Examiner has indicated that the rejection cannot be overcome by reliance on Applicants' foreign priority papers where an English-language translation of said papers has not been made of record. Enclosed herewith as Exhibit 2 is an English-language translation of the priority papers, namely Japanese Application No. 11-230060. It is respectfully requested that this rejection be withdrawn in view of Applicant's priority date.

Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3 and 12 of U.S. Patent No. 6,478,860 in view of Knaster et al. In response to this rejection, please find enclosed a terminal disclaimer, in compliance with 37 C.F.R. 1.321(c). The reference relied upon and the instant application are currently owned by the same party. It is respectfully requested that this rejection be withdrawn in view of Applicants' terminal disclaimer.

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Conclusion

Applicants request reconsideration in view of the amendments and remarks contained herein. Applicants submit that the claims are in condition for allowance and a notice to that effect is respectfully requested. Should the Examiner have any questions regarding this paper, please contact the undersigned.

Respectfully submitted,



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